

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**

OCT 05 2010

*[Signature]*  
CLERK

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANDREW MARCO, a/k/a Andy,

Defendant..

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CR 09-40105-07

ORDER

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Pending before the Court is the Defendant's Plea Agreement, Factual Basis Statement, and Supplement to Plea Agreement. A hearing to take the plea was held before the Magistrate Judge on September 13, 2010, and Judge Simko issued a Report and Recommendation accepting the plea, and recommending to this Court that the Defendant be adjudged guilty as charged in the Second Superseding Indictment with Conspiracy to Distribute a Controlled Substance in violation of 21 U.S.C. §§ 841(a)(1) and 846. After a careful review of the file, and the parties having waived their right to object to the Report and Recommendation,

IT IS ORDERED:

1. That the Magistrate Judge's Report and Recommendation is ADOPTED by the Court, and the Defendant Andrew Marco, a/k/a Andy, is adjudged guilty.

Dated this 5<sup>th</sup> day of October, 2010.

BY THE COURT:

*[Signature]*  
Lawrence L. Piersol

United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: *[Signature]*  
DEPUTY